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F733FFDO 96
MAR. 23, 1944

WAR FOOD ADMINISTRATION

[FDO 96]

PART 1468—GRAIN

CORN REQUIRED TO BE SET ASIDE

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of corn for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1468.6 *Corn required to be set aside*—(a) *Definitions*. When used in this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(2) "Receive" means to take as owner or purchaser, or on consignment for sale.

(3) "Corn" means yellow or mixed shelled corn, whole corn, ear corn, or snap corn, of the dent or flint varieties, excluding, however, white corn, seed corn, popcorn, grain sorghums, sweet corn, broom corn, and corn used for canning purposes.

(4) "Country elevator operator" means a person who owns or operates a grain elevator, warehouse, or barge loading or car loading facility, located at a place other than a terminal or subterminal market, and who receives corn for resale from producers or truckers in wagon or truck lots.

(5) "Terminal elevator operator" means a person who owns or operates a grain elevator, warehouse, or barge loading or car loading facility, located at a terminal or subterminal market, and who receives corn for resale.

(6) "Designated purchaser" means a person or agency of the United States, designated by the Director as eligible to purchase corn which has been set aside under this order.

(7) "Fifteen-day period" means the period from the first to the fifteenth day, both inclusive, of any month, and the period from the sixteenth to the last day, both inclusive, of the month, except that the time from the effective date of this order to and including March 31, 1944, shall constitute a fifteen-day period hereunder.

(8) "Offered for sale" means offered in carlots, unless otherwise authorized by the Director, at prices not exceeding the

maximum prices established by the Office of Price Administration.

(9) "Director" means the Director of Distribution, War Food Administration, or any employee or agency thereof designated by the Director.

(10) "Set aside area" includes the following:

Illinois, Counties of: Bureau, Cass, Champain, Christian, De Witt, Douglas, Edgar, Ford, Grundy, Iroquois, Kankakee, Kendall, Knox, LaSalle, Lee, Livingston, Logan, McLean, Macon, Marshall, Mason, Menard, Morgan, Moultrie, Peoria, Platt, Putnam, Sangamon, Scott, Stark, Tazewell, Vermilion, Will, and Woodford.

Indiana, Counties of: Benton, Fountain, Jasper, Montgomery, Newton, Pulaski, Starke, Tippecanoe, Vermillion, Warren, and White.

Iowa, Counties of: Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Jasper, Kossuth, Lyon, Marshall, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawatomie, Poweshiek, Sac, Shelby, Sioux, Story, Tama, Webster, Winnebago, Woodbury, and Wright.

Minnesota, Counties of: Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Watonwan, and Yellow Medicine.

Nebraska, Counties of: Burt, Butler, Cass, Cuming, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, Seward, Thurston, and Washington.

The Director is authorized to revise the set aside area from time to time by the addition thereto or removal therefrom of any county or part thereof.

(b) *Quantity*. (1) Every country elevator operator located in the set aside area shall, in each fifteen-day period, set aside, reserve, and hold, for sale and shipment to designated purchasers, an amount equivalent to 35 percent of all corn received by him during such period.

(2) Every terminal elevator operator located in the set aside area shall, in each fifteen-day period, set aside, reserve, and hold, for sale and shipment to designated purchasers, an amount equivalent to 35 percent of all corn received by him during such period from persons other than country elevator operators.

(3) All corn which, on the effective date of this order, is in storage in any country elevator or terminal elevator located in the set aside area, and is owned

by or has been consigned for sale to the operator of such country elevator or terminal elevator, respectively, shall be considered as having been received on that date.

(c) *Offer; release*. Any corn which has been set aside, reserved, and held under this order, and which is offered for sale to a designated purchaser and not accepted by such designated purchaser within 24 hours from the time that such offer is received by the designated purchaser, may be offered for sale to the Commodity Credit Corporation at 208 South La Salle Street, Chicago 4, Illinois, and if not accepted by the Commodity Credit Corporation or a designated purchaser specified by such corporation within 24 hours from the time that such offer is received by the corporation, shall be released from the set aside requirements of this order and shall, without further notice to the holder, be subject to disposition at his option.

(d) *Quality*. All corn set aside, reserved, and held in any fifteen-day period shall be of the fair average quality of all corn received during such fifteen-day period.

(e) *Contracts*. The provisions of this order and of all orders or regulations issued pursuant thereto shall be observed without regard to contracts heretofore or hereafter made, or any rights accrued or payments made thereunder.

(f) *Records and reports*. (1) The Director shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in corn.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Audits and inspections*. The Director shall be entitled to make such

audit or inspection of the books, records and other writings, premises, or stocks of corn of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 96, Grain Products Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on such petition by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The Director may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using corn, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using material subject to priority or allocation control by other governmental agencies. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.* (1) The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(2) The Director is authorized to obtain, from time to time, information with respect to the processing of corn by, and the amount of corn in the inventory of, designated purchasers, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Upon the basis of such information, the Director may, by general order, revise the percentage of corn required to be set aside under this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref: FDO 96.

(1) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., March 24, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 23d day of March 1944.

MARVIN JONES,
War Food Administrator.

War Food Administration,
Summary to FDO 96.

Food Distribution Order No. 96, dated March 23, requires all country and terminal elevator operators in 124 counties of Minnesota, Illinois, Indiana, Iowa, and Nebraska to set aside 35 percent of all elevator stocks of corn owned by them as of March 24 for sale and shipment to purchasers designated by the Director of

Distribution of the War Food Administration.

The Order requires that 35 percent of all corn received by these country elevators beginning at 12:01 a. m., e. w. t., March 24th, shall be set aside during each 15-day period and offered to designated purchasers; also that 35 percent of the corn received by the terminal elevators from person other than country

elevator operators be similarly set aside and offered to designated purchasers.

All "set aside" corn which is not accepted by the designated purchasers within 24 hours may then be offered for sale to the Commodity Credit Corporation. Failure of the CCC or a purchaser designated by it to accept the corn within 24 hours automatically releases the corn from the "set aside" requirements.

MAR. 31, 1944

WAR FOOD ADMINISTRATION

[FDO 96-1]

PART 1468—GRAIN

PERCENTAGE OF CORN REQUIRED TO BE SET
ASIDE

Pursuant to the provisions of Food Distribution Order No. 96 (9 F.R. 2939), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1468.7 *Percentage of corn required to be set aside.* The amount of corn required to be set aside under the provi-

sions of (b) (1) and (b) (2) of Food Distribution Order No. 96 shall be 60 percent.

This order shall become effective at 12:01 a. m., e. w. t., April 1, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 96, prior to the effective date of this order, all provisions of said Food Distribution Order No. 96 in effect prior to

this order shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO No. 96, 9 F.R. 2939)

Issued this 31st day of March 1944.

C. W. KITCHEN,
Acting Director of Distribution.

War Food Administration,
Summary to FDO 96-1.

Because corn refining plants in the Middlewest still are not getting sufficient supplies of corn for processing essential war products, the War Food Administration has increased from 35 to 60 percent the quantity of corn that grain elevators are required to set aside under Food Distribution Order No. 96. The action is effective April 1, 1944.

FDO No. 96 was issued only a week ago—on March 24. It was directed to country and terminal grain elevators in 124 counties of Illinois, Indiana, Iowa, Minnesota, and Nebraska. These counties are the Nation's principal corn producing counties.

The results have been disappointing, WFA officials said, and the set aside increase to 60 percent of future elevator

receipts is considered necessary. No other changes in the original order are made.

Corn products are vitally needed in the manufacturing process of several industries manufacturing commodities not only essential but indispensable to the War program.

Though there has been a record production of corn, exceeding 3 billion bushels in 1943, the Nation's dozen or so refineries have been unable in recent weeks to obtain the comparatively small quantity (about 2½ million bushels per week) necessary to full time operation. Some plants have discontinued operation entirely and others are on limited schedules.

Appeals are being made to farmers in the corn producing areas to haul or send their corn to the elevators, at least in

quantities sufficient to meet the industrial war demands.

Corn is used not only in a wide variety of edible products, but is going directly to the battlefields in such products as explosives, drugs and pharmaceuticals—including penicillin, and its predecessors, the sulfa drugs—, surgical dressings, rubber, batteries, textiles, asbestos, alcohol, adhesives, leather, paper, fibrous glass cloth, printing inks, cork products, structural installation board and gypsum board, oilcloth and linoleum, matches, ascorbic acid, and riboflavin, and scores of other indispensable products.

In starches, corn is necessary as core binder for use in copper, aluminum, magnesium, bronze and brass, steel, iron and malleable iron foundries, metal castings and molds; as a fiber in the conversion of bauxite to alumina; and as a flotation reagent in magnesium production.

